

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 05-1353

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III, "LAW ENFORCEMENT REGULATIONS", OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
HOPEWELL TO ESTABLISH REGULATIONS CONCERNING
ILLICIT CONNECTIONS TO MUNICIPAL STORMWATER SYSTEMS**

WHEREAS, The U.S. Environmental Protection Agency (EPA) published the regulation entitled "National Pollutant Discharge Elimination System - Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges" (*Federal Register*, Volume 64, Number 235, pages 68722-68852) on December 8, 1999 as required by Section 402(p) of the Clean Water Act (CWA); and

WHEREAS, in February 2004 the New Jersey Department of Environmental Protection adopted new Stormwater Management Rules (N.J.A.C. 7:8) in fulfillment of its obligations under the USEPA Regulations; and

WHEREAS, Hopewell Township is designated as a Tier A Municipality under 7:8 and is obligated to implement certain ordinances required by the Tier A NJPDES Municipal Stormwater General Permit (NJ0141852) on or before October 2005; and

WHEREAS, the Hopewell Township Committee desires to meet its obligations under 7:8.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that a new Section 21, Chapter 3 of the Revised General Ordinances, entitled "Illicit Connection Ordinance" be created as follows:

3-21.1 Purpose. An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Hopewell so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

3-21.2 Definitions. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

- a. Domestic sewage - waste and wastewater from humans or household operations.
- b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the [insert name of municipality], unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).
- d. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.
- e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.
- f. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.
- g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- h. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

3-21.3 Prohibited Conduct. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Hopewell any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

3-21.4 Penalties. Any person found to be in violation of the provisions of this ordinance shall be subject to the penalty provisions set forth at Section 3-1 of this Chapter.

3-21.5 Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

BE IT FURTHER ORDAINED that this section shall take effect upon final adoption and publication in accordance with law.

Date Introduced: August 8, 2005

Date Advertised: August 25, 2005

Date Adopted: September 26, 2005



Arlene A. Kemp
Mayor

Attest:

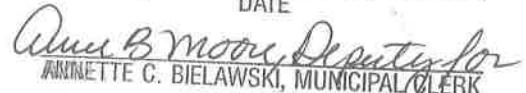


Annette C. Bielawski
Municipal Clerk

CERTIFICATION

I HEREBY CERTIFY THE FOREGOING TO BE
A TRUE COPY OF AN ORDINANCE ADOPTED
BY THE HOPEWELL TOWNSHIP COMMITTEE
AT A MEETING HELD

September 26, 2005
DATE



Ann B. Moore, Deputy Clerk
ANNETTE C. BIELAWSKI, MUNICIPAL CLERK